

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CSX CORPORATION,

Plaintiff,

v.

THE CHILDREN'S INVESTMENT FUND  
MANAGEMENT (UK) LLP, THE CHILDREN'S  
INVESTMENT FUND MANAGEMENT  
(CAYMAN) LTD., THE CHILDREN'S  
INVESTMENT MASTER FUND, 3G CAPITAL  
PARTNERS LTD., 3G CAPITAL PARTNERS,  
L.P., 3G FUND, L.P., CHRISTOPHER HOHN,  
SNEHAL AMIN AND ALEXANDRE  
BEHRING, A/K/A ALEXANDRE BEHRING  
COSTA,

Defendants.

THE CHILDREN'S INVESTMENT MASTER  
FUND,

Counterclaim and Third-  
Party Plaintiff

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-  
Party Defendants.

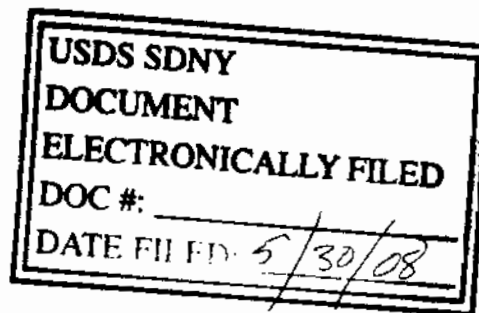
3G CAPITAL PARTNERS LTD., 3G CAPITAL  
PARTNERS, L.P. AND 3G FUND, L.P.

Counterclaim Plaintiffs,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim Defendants.



ECF Case

08 Civ. 02764 (LAK) (KNF)

**STIPULATION AND [PROPOSED]  
ORDER REGARDING  
CONFIDENTIALITY OF TRIAL  
EXHIBITS**

**STIPULATION AND [PROPOSED] ORDER REGARDING  
CONFIDENTIALITY OF TRIAL EXHIBITS**

WHEREAS a Stipulation and Protective Order ("Protective Order") was entered in this action on March 31, 2008; and

WHEREAS the parties have designated documents and deposition testimony as Confidential or Attorneys Eyes Only pursuant to the Protective Order; and

WHEREAS the parties wish to amend their confidentiality designations for purposes of using that material at the trial of this matter;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, as follows:

1. Plaintiff CSX Corporation ("CSX") does not claim confidentiality over any CSX documents or deposition testimony identified in the Amended Joint Final Pre-Trial Order, submitted on May 20, 2008 ("JPTO").

2. Defendants 3G and Alexandre Behring do not claim confidentiality over any 3G documents or deposition testimony identified in the JPTO, except as identified on Exhibit A, attached hereto. Defendants 3G and Alexandre Behring designate the exhibits identified on Exhibit A as "Attorneys' Eyes Only".

3. Defendants TCI, Christopher Hohn and Snehal Amin (the "TCI defendants") do not claim confidentiality over any TCI documents or deposition testimony identified in the JPTO, except as to TCI defendants' documents containing certain non-public information concerning their investors and investments, identified on Exhibit B hereto. CSX agrees to replace original exhibits of these documents with redacted versions provided by the TCI defendants, which shall bear an A suffix.

4. Any party may use on cross-examination any document previously designated Confidential.

5. Any party may use on cross-examination any document previously designated by any party as Attorneys Eyes Only, except that the party who intends to use such a document will first consult with the TCI defendants if the document contains information concerning the TCI defendants' non-public investments of the type referred to in ¶ 3 hereof.

May 27, 2008

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*Attorneys for 3G Capital Partners Ltd, 3G Capital Partners, LP, 3G Fund, LP and Alexandre Behring (a/k/a Alexandre Behring Costa)*

SO ORDERED:

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*Attorneys for CSX Corporation*

  
Lewis A. Kaplan  
United States District Judge

5/30/08

## **Exhibit A**

PX 142

PX 152

DX 53

## **Exhibit B**

PX 87 (to be replaced with PX 87A)

PX 106 (to be replaced with PX 106A)

PX 131 (to be replaced with PX 131A)

PX 181 (to be replaced with PX 181A)

PX 182 (to be replaced with PX 182A)

PX 239 (to be replaced with PX 239A)

PX 240 (to be replaced with PX 240A)

PX 241 (to be replaced with PX 241A)

PX 242 (to be replaced with PX 242A)

PX 244 (to be replaced with PX 244A)

PX 245 (to be replaced with PX 245A)

PX 247 (to be replaced with PX 247A)

PX 249 (to be replaced with PX 249A)